<u>**REMARKS**</u>

The Office Action issued by the Examiner dated November 16, 2007 and the citations referred to in the office action have been carefully considered. Claims 36-44 are pending in this application. In this Amendment, Applicant has amended claim 26 and cancelled claims 36-44, without prejudice or disclaimer, from further consideration in this application. Applicant is <u>not</u> conceding that the subject matter encompassed by claims 36-44 prior to this Amendment is not patentable over the art cited by the Examiner. Claim 26 is amended solely for clarification purposes and not for any reason related to patentability. Further, claims 36-44 are cancelled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 36-44, as presented prior to this Amendment, and additional claims in one or more continuing applications. No new matter is added with the amendment to claim 26.

Applicant has also amended the title. The title is now: "METHOD FOR AUTOMATICALLY COLLECTING TRACE DETAIL AND HISTORY DATA."

<u>Claim Rejections – 35 USC § 112</u>

Claims 26-44 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite on the basis that the language "if is determined the trace history buffer is in need of resizing" is unclear. Accordingly, Applicant has amended claim 26 to clarify this language. Claim 26 now recites "if a quantity of the one or more trace records in the trace history buffer exceeds a predetermined number of trace records". Therefore, Applicant submits that the rejection of claim 26 should be withdrawn.

Further, claims 27-35 depend from claim 26. Accordingly, Applicant submits that the rejection of claims 27-35 should also be withdrawn. With respect to claims 36-44, the rejection is now moot as these claims have been cancelled.

Claim Rejections – 35 U.S.C. § 103

Claims 26-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over "The Trace.Java User's Guide" by Brian Marick ("Marick") in view of US Patent No. 5,642,478 to Chen ("Chen").

With respect to "writing the trace history buffer to the log file if a trap value specific to the program activity is detected within the logged trace record," the Office Action contends that Marick teaches "an exception handler catches an exception (value specific to program activity) and dumps the history buffer." See Office Action, page 5. Applicant respectfully points out that Marick does not mention that an exception is a value specific to program activity. On the contrary, the whole idea behind the exception handler of Marick is to be non-specific to program activity. For instance, Marick characterizes the exception handler as being "top-level." One of ordinary skill in the art would understand the term top-level to be applicable to any program activity, as opposed to low-level, which is particular to specific program activity.

With respect to "writing the trace history buffer to the log file if the trap value specific to the program activity fails to be detected, and if the trace level associated with the logged trace record is greater than a predetermined trace history level," the Office Action contends that Marick teaches "the threshold for level of trace records is set to determine what trace buffer/transient buffer (trace history buffer) level results in loggin the buffer." See Office Action, page 5. Applicant has amended tclaim 26 to clarify that the threshold analysis occurs only after the trap value specific to the program activity fails to be detected. Applicant submits that the threshold analysis descrbibed by Marick occurs before the exception handler performs any task. Marick supports this assertion by stating that the "appliaction may have a top-level exception handler that catches all otherwise uncaught exceptions." See Marick, page 13. In order for the top-level exception handler to catch all otherwise uncaught exceptions, the exception handler must allow the thresholds to first be utilized. As a result, Marick does not operate to allow "writing the trace history buffer to the log file if the trap value specific to the

program activity fails to be detected, and if the trace level associated with the logged trace record is subsequently determined to be greater than a predetermined trace history level."

As all the claims limitations are not taught or suggested by Marick alone or in combination with Chen, these references cannot be used as the basis of a rejection under 35 U.S.C. §103(a). Further, if an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending there from is non-obvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). In light of these amendments and arguments, Applicant has overcome the Examiner's 35 U.S.C. §103(a) rejections. Therefore, Applicant submits that the rejection of claim 26 should be withdrawn. As claims 27-35 depend from claim 26, Applicant submits that the rejections of claims 27-35 should also be withdrawn. Thus, it is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.
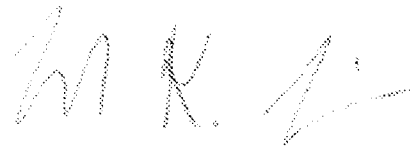
If, for any reason, the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative, Samuel K. Simpson at **(310) 496-4255** to discuss the steps necessary for placing the application in a condition for allowance.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 09-0460**. Please ensure that Attorney Docket Number CA920030064US1 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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